

Virginia Division of Consolidated Laboratory Services
ENVIRONMENTAL LABORATORY CERTIFICATION PROGRAM
GUIDANCE DOCUMENT
SUSPENSION OF CERTIFICATION
(1VAC30-45)

May 16, 2012

The Division of Consolidated Laboratory Services (DCLS) provides an opportunity for suspension of certification of an environmental laboratory prior to decertification. Suspension is the temporary removal of a laboratory's certification and an interim step before DCLS proceeds with decertification. Suspension allows a laboratory the time to correct deficiencies or an area of non-compliance with the standards set out in 1VAC30-45 during a period not to exceed six months.

This guidance explains:

- when DCLS would suspend certification,
- the process DCLS will use to suspend a laboratory,
- the laboratory's responsibilities when its certification has been suspended, and
- the laboratory's certification status following the suspension period.

Reasons for Suspension

DCLS may suspend a laboratory's certification in part or in total for the following reasons:

1. Failure to complete proficiency testing studies and maintain a history of at least two successful proficiency testing studies for each affected certified field of certification out of the three most recent proficiency testing studies as required by 1VAC30-45, Part II, Article 3. [1VAC30-45-100 B 2]
2. Failure to notify the agency of any changes in key certification criteria as set forth in 1VAC30-45-90. [1VAC30-45-100 B 7]
3. Failure to maintain a quality system as required by 1VAC30-45, Part II, Article 4. [1VAC30-45-100 B 3]
4. Failure of laboratory to employ staff that meets the personnel qualifications for education, training and experience as required by 1VAC30-45, Part II, Article 1. [1VAC30-45-100 B 4]

Process to Suspend Certification

- When DCLS determines that there is cause to suspend a laboratory, the agency will send notification to the responsible official and the laboratory manager stating DCLS's determination that the laboratory has failed to meet the 1VAC30-45 standards for one or more of the reasons listed above.
- The notification will request the laboratory to notify DCLS if the agency is incorrect in its determination. This opportunity for a laboratory's feedback to correct errors or omissions by DCLS assures due process before any regulatory action is taken.

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- The notification will state that the laboratory is required to take corrective action whenever a failure occurs and to document the corrective action. The notification will require the laboratory to provide DCLS with documentation of the corrective action taken with regard to its failure to meet a 1VAC30-45 standard.
- The notification will state what the laboratory must do to restore its certification status and the time allowed to do so.
- DCLS will allow the laboratory 60 days to correct the problem for which it may have its certification suspended.
- DCLS will set a date for suspension that follows the 60-day period to restore certification.
- If the laboratory does not correct its deficiencies within 60 days, DCLS shall suspend a laboratory in part or in total.
- DCLS will notify the laboratory by letter of its suspension status. DCLS also will notify the Department of Environmental Quality (DEQ) of the laboratory's suspension status.
- The laboratory may provide information demonstrating why suspension is not warranted in accordance with the standard referenced in the DCLS letter. If such information is not provided prior to the suspension date, the laboratory accepts the decision to suspend in accordance with the referenced standard and 1VAC30-45.

Responsibility of the Laboratory When its Certification Status has been Suspended

When DCLS suspends a laboratory's certification, the following applies to the laboratory for the duration of the suspension period:

- The laboratory cannot continue to analyze samples for the suspended Fields of Certification in order to report data for compliance purposes to DEQ.
- The laboratory must subcontract its testing for the suspended Fields of Certification to a commercial laboratory holding Virginia Environmental Laboratory Accreditation Program (VELAP) accreditation for those Fields of Certification.

Certification Status Following the Suspension Period

- The laboratory's certification status will be reinstated when the laboratory demonstrates to DCLS that it complies with the standards set out in 1VAC30-45.
- A suspended laboratory will not have to reapply for certification if the cause for suspension is corrected within six months.

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- If the laboratory fails to correct the cause(s) for suspension within the six-month suspension period, DCLS shall decertify the laboratory.

Right of Due Process

The laboratory has the right to due process as set forth in 1VAC30-45-110.